

Richard R. Barker
Acting United States Attorney
Eastern District of Washington
Thomas J. Hanlon
Assistant United States Attorney
402 E. Yakima Ave., Suite 210
Yakima, WA 98901
Telephone: (509) 454-4425

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,)	NO: 1:25-CR-02001-SAB-1
)	
Plaintiff,)	PLAINTIFF’S SENTENCING
vs.)	MEMORANDUM
)	
CLYDE ISAAC KELLY,)	
)	
Defendant.)	

Plaintiff, United States of America, by and through Richard R. Barker,
Acting United States Attorney for the Eastern District of Washington, and
Thomas J. Hanlon, Assistant United States Attorney, submits the following
sentencing memorandum:

I.

OFFENSE LEVEL & CRIMINAL HISTORY

The United States agrees with the calculations contained in the Presentence
Investigation Report (hereinafter “PSIR”): (1) total offense level is 13; (3) criminal
history category is III; and (4) the guideline range is 18-24 months.

1 In the instant case, the government has agreed to recommend that the Court
2 imposed a sentence within the applicable guideline range. The Defendant has
3 agreed to recommend any legal sentence.¹
4

5 II.

6 DEPARTURES
7

8 The government is not recommending a departure from the guidelines. As
9 noted above, the parties have agreed to recommend a sentence within the
10 applicable guideline range.
11

12 III.

13 SENTENCING FACTORS UNDER 18 U.S.C. §3553(a)
14

15 In determining the appropriate sentence, this Court should consider the
16 factors as set forth in 18 U.S.C. § 3553(a).
17

- 18 1. The nature and circumstances of the offense and the history and
19 characteristics of Defendant.

20 On October 5, 2024, a family member called 911 to report a domestic
21 violence incident. Ultimately, police discovered that the Defendant had injured a
22 family member, damaged property, and had been observed by family members
23 with alcohol and a firearm. Police entered the property and took possession of a
24
25
26
27

28 ¹ See ECF No. 19.

1 firearm. The Defendant was apprehended. The Defendant subsequently advised
2 that he was having seizures due to his alcohol consumption.

3
4 The instant offense is very similar to his prior federal conviction which
5 occurred just two years before at the same residence. Back in April 27, 2022, a
6 family member called 911 to report that the Defendant was in residence with a
7 firearm. The Defendant appeared to be under the influence. The Defendant was
8 prohibited from possessing firearms and was apprehended.

9
10 The Defendant has a long history with firearms. As a juvenile, the
11 Defendant was convicted of a firearm offense. In February 2022, the Defendant
12 was convicted of second-degree manslaughter with a deadly weapon. In February
13 2023, the Defendant was convicted in this Court of being a felon in possession of a
14 firearm.

- 15
16
17
18 2. The need for the sentence imposed to reflect the seriousness of the
19 offense, promote respect for the law, and to provide just punishment.

20 The current offense is serious. A term of imprisonment is necessary to
21 reflect the seriousness of the offense, promote respect for the law, and to provide
22 just punishment. The United States submits that a term of imprisonment is
23 required and is necessary to promote respect for the law, and to provide just
24 punishment.

- 25
26
27 3. The need for the sentence imposed to afford adequate deterrence to
28 criminal conduct.

1 Despite his criminal history, the Defendant has not been deterred from
2 engaging in criminal activity. Prior terms of incarceration failed to deter the
3 Defendant from possessing a firearm. Here, the Defendant was on supervised
4 release at the time he possessed a firearm. The United States submits that a term of
5 imprisonment is required.
6

- 7
8 4. The need for the sentence imposed to protect the public from further
9 crimes of Defendant.

10 The Defendant is a danger to the community. The Defendant simply will
11 not stop obtaining firearms.
12

- 13 5. The need for the sentence imposed to provide Defendant with needed
14 educational or vocational training, medical care, or other correctional
15 treatment in the most effective manner.

16 The Defendant appears to be in need of educational or vocational training.

17 IV.

18 GOVERNMENT'S SENTENCING RECOMMENDATION

19 As to the instant offense, the government recommends that the Court impose
20 a sentence of 24 months to be followed by 3 years of supervised release.
21

22
23 Respectfully submitted this 11th day of June 2025.
24

25 RICHARD R. BARKER
26 Acting United States Attorney
27

28 s\ Thomas J. Hanlon

1 THOMAS J. HANLON
2 Assistant United States Attorney
3

4 I hereby certify that on June 11, 2025, I electronically filed the foregoing
5
6 with the Clerk of the Court using the CM/ECF which will send notification of such
7 filing to the following: Alex B. Hernandez, III.
8
9

10 s\ Thomas J. Hanlon
11 THOMAS J. HANLON
12 Assistant United States Attorney
13 United States Attorney's Office
14 402 E. Yakima Ave., Suite 210
15 Yakima, WA 98901
16 (509) 454-4425
17
18
19
20
21
22
23
24
25
26
27
28